

Mark L. Smith (NV Bar #14762)
 msmith@sffirm.com
 Jacob L. Foncesbeck (NV Bar #11961)
 jfonnesbeck@sffirm.com
SF FIRM, LLP
 6345 South Pecos Road, Suite 202
 Las Vegas, NV 89120
 Telephone: (725) 666-8701
 Facsimile: (725) 666-8710

Attorneys for Defendants

Keith M. Woodwell (UT Bar # 7253)
 kmw@clydesnow.com
 Aaron D. Lebenta (UT Bar # 10180)
 adl@clydesnow.com
 Timothy R. Pack (UT Bar # 12193)
 trp@clydesnow.com
 Thomas A. Brady (UT Bar # 12454)
 tab@clydesnow.com
CLYDE SNOW & SESSIONS PC
 201 South Main Street, Suite 2200
 Salt Lake City, UT 84111
 Telephone: (801) 322-2516

UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA

TETSUYA NAKAMURA, an individual,

 Plaintiff,

 v.

 SUNDAY GROUP INCORPORATED, a
 Delaware corporation, *et al.*,

 Defendants.

Case No.: 2:22-cv-01324-MMD-EJY

**STIPULATION AND ~~[PROPOSED]~~
 SCHEDULING ORDER
 (Second Request)**

Plaintiff Tetsuya Nakamura and Defendants Sunday Group Incorporated, SGI Trust, Toshiki (Todd) Mitsuishi and James Pack (collectively, “Defendants”), hereby stipulate as follows:

WHEREAS, Plaintiff filed its Motion to Dismiss Defendants’ Amended Counterclaims (Dkt. 68) (“Motion to Dismiss”) and Defendants filed their Memorandum in Opposition to the Motion to Dismiss (Dkt. 70) on December 1, 2023. Plaintiff’s Reply to the Motion to Dismiss is due by January 12, 2023 (*See* Dkt. 69.)

WHEREAS, fact discovery is scheduled to expire on March 29, 2023. (*See* Dkt. 64),

WHEREAS, discovery is ongoing in parallel with the Motion to Dismiss.

1 WHEREAS, the parties have begun serving and responding to written discovery requests
 2 but anticipate the need for additional time to complete discovery, including to schedule and take
 3 depositions;

4 WHEREAS, certain persons the parties intend to depose reside in Japan, thus presenting
 5 logistical obstacles to scheduling and completing the depositions; and

6 WHEREAS, the parties are also currently exploring the possibility of mediating their
 7 disputes;

8 WHEREAS, this is the second stipulation for extension of fact and expert discovery. The
 9 parties stipulate to extend certain discovery deadlines as follows;

10 **IT IS ACCORDINGLY STIPULATED**, pursuant to Civil L.R. 6-1 and 6-2, that,
 11 subject to any further request for an extension of time:

- 12 1. Fact discovery shall be completed by June 28, 2024.
- 13 2. Initial expert disclosures shall be made no later than July 30, 2024. Rebuttal expert
 14 disclosures shall be made no later than August 30, 2024.
- 15 3. The last day for filing dispositive motions shall be September 30, 2024.
- 16 4. The joint pretrial order shall be due no later than October 30, 2024, unless dispositive
 17 motions are pending on that date in which case the due date for the joint pretrial order
 18 is automatically extended to 30 days after a decision is issued on such motions.
 19
 20

21 DATED: December 7, 2023

CLYDE SNOW & SESSIONS, P.C.

22 By: /s/Timothy R. Pack
 23 Timothy R. Pack (UT Bar # 12193)

24 Attorneys for Defendants
 25 SUNDAY GROUP INCORPORATED,
 26 SGI TRUST, TOSHIKI (TODD) MITSUISHI
 27 AND JAMES PACK
 28

1 DATED: December 7, 2023

FENWICK & WEST LLP

2 By: /s/Casey O'Neill
Casey O'Neill

3 Attorneys for Plaintiff
4 TETSUYA NAKAMURA

5 **ORDER**

6 IT IS SO ORDERED:

7
8 
9
10 THE HONORABLE ELAYNA J. YOUCHAH
UNITED STATES MAGISTRATE JUDGE

11 DATED: December 7, 2023
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28